

Report to Council



Date: October 4, 2021
To: Council
From: City Manager
Subject: Electronic Meeting & Public Hearing Implementation
Department: Office of the City Clerk

Recommendation:

THAT Council receives, for information, the report from the Office of the City Clerk dated October 4, 2021 regarding Electronic Meeting & Public Hearing Bylaw Amendments;

AND THAT Bylaw No. 12279, being Amendment No. 7 to Council Procedure Bylaw No. 9200 be forwarded for reading consideration;

AND THAT Council adopts Council Policy No. 386, being Electronic Council Meetings as outlined in the report from the Office of the City Clerk dated October 4, 2021;

AND THAT Council Policy No. 307, being Waiver of Public Hearing, be amended as outlined in the report from the Office of the City Clerk dated October 4, 2021.

Purpose:

To amend Council Procedure Bylaw No. 9200, and to adopt a new Council policy and amend Council Policy No. 307 to introduce electronic meeting and public hearing procedures.

Background:

New provincial legislation allowing electronic Council and committee meetings and public hearings came into effect on September 29, 2021. These bylaw amendments and policies will implement the direction Council provided on September 13, 2021 regarding electronic meetings and public hearings.

Previous Council Resolution

Resolution	Date
AND THAT Council direct staff to prepare amendments to Council Procedure Bylaw No. 9200 and relevant policies in accordance with Options 1B, 2C, and 3C in the report from the Office of the City Clerk dated September 13, 2021;	September 13, 2021

Discussion:

Electronic meetings and electronic participation should reflect in-person meetings as closely as possible to maintain core Council governance principles of openness, transparency, and accountability while allowing for the flexibility and accessibility offered by electronic meetings and public hearings. The bylaw amendments and policies account for both electronic meetings, where all members of Council participate electronically, and electronic participation, where one or some members of Council participate electronically in an otherwise in-person meeting. The bylaw and policies apply to Council as well as Council committees.

Council Procedure Bylaw No. 9200

Amendments to Council Procedure Bylaw No. 9200 expand existing electronic meeting provisions and introduce new ones to align with the Community Charter. The following items are addressed in the amendments with details provided in Schedule A:

- Public hearing and Tuesday regular meeting start times, scheduling, and order of proceedings;
- Special and regular electronic meetings with Mayor authorization or during state of emergency;
- Electronic participation if unable to attend in person;
- Notice of electronic meetings, including a location where the public can watch proceedings;
- Voting procedures for electronic participation; and
- Electronic committee meetings and notices.

Council Policy No. 386 Electronic Council Meetings

A Council policy to accompany the bylaw provisions provides guidance on matters that require some flexibility to account for different circumstances. The guiding principle is to maintain openness, transparency, and accountability by reflecting in-person meeting procedures as closely as possible. The policy applies to members of Council, committees, and the public participating electronically in meetings.

The policy:

- Addresses when and how electronic participation is permitted;
- Requires that meeting participants be able to hear, and preferably watch and hear, each other;
- States that participation is expected for the entire meeting unless a conflict of interest is declared; and
- Refers to meeting legislative requirements for confidentiality and protection of privacy, as needed.

Council Policy No. 307 Waiver of Public Hearing

The revised Council Policy No. 307 reflects Council's direction for staff to recommend that public hearings be waived for rezoning applications that:

- Are consistent with the Official Community Plan;
- Have a recommendation of support from staff; and
- Are not expected to generate significant public input based on correspondence received at the time the report is submitted to Council.

The policy also speaks to public notice, written correspondence, and supplemental reports to Council. Finally, the policy establishes regular reporting to Council on waived public hearing statistics. This will allow staff and Council to monitor the effectiveness of the policy criteria.

Conclusion:

New provincial legislation allows Council to implement electronic Council meetings and public hearings for the long-term. The bylaw amendments and policies are designed to maintain openness, transparency, and accountability while providing for more flexibility and accessibility to account for different circumstances.

Considerations applicable to this report:

Legal/Statutory Authority:

Bill 10 – 2021 Municipal Affairs Statutes Amendments Act

Legal/Statutory Procedural Requirements:

Public notice of proposed amendments to Council Procedure Bylaw No. 9200 must be given before a bylaw is adopted, in accordance with Community Charter s. 124(3).

Existing Policy:

[Council Policy No. 307 Waiver of Public Hearing](#)

Financial/Budgetary Considerations:

One additional staff is needed to moderate electronic participation at public hearings and Tuesday regular meetings. The estimate staffing cost is \$250 per public hearing for hybrid public hearings.

Considerations not applicable to this report:

External Agency/Public Comments:

Communications Comments:

Submitted by:

L. Bentley, Deputy City Clerk

Approved for inclusion: S. Fleming, City Clerk

Attachments:

Schedule A – Council Procedure Bylaw Amendments
Draft Council Policy No. 386– Electronic Council Meetings
Draft Council Policy No. 307 – Waiver of Public Hearing